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Chairperson: Mr. Penke ..... (Latvia)

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The meeting was called to order at 10.05 a.m.

Agenda item 69: Promotion and protection of human rights (*continued*) (A/64/81)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/64/159, A/64/160, A/64/170, A/64/171, A/64/175, A/64/181, A/64/186, A/64/187, A/64/188, A/64/209, A/64/211, A/64/211/Corr.1, A/64/213, A/64/213/Corr.1, A/64/214, A/64/216, A/64/219, A/64/226, A/64/255, A/64/256, A/64/265, A/64/272, A/64/273, A/64/279, A/64/289, A/64/290, A/64/293, A/64/304, A/64/320 and A/64/333)

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*) (A/64/224, A/64/318, A/64/319, A/64/319/Corr.1, A/64/328, A/64/334 and A/64/357)

1. **Mr. Kim** Bonghyun (Republic of Korea) said that globalization had strengthened the need for international cooperation, particularly on human rights. Today, the concept of human rights encompassed all aspects of human life, and violations committed in one country affected other countries as well. Hence, a country could not resolve single-handedly all of the problems relating to human rights that were posed by such issues as migration, human trafficking, terrorism, climate change, drug trafficking, the financial, economic and food crises and extreme poverty. Regrettably, there had for some time been increased confrontation, rather than cooperation, between different groups, in the name of protecting human rights. Universality, impartiality, objectivity and constructive dialogue and cooperation must be the guiding principles in the promotion and protection of human rights.

2. The universal periodic review translated those principles into reality, enabling the countries under review to strengthen the implementation of human rights instruments at the national level while cooperating with human rights mechanisms. However, the review must be made more effective and reliable, ways must be found to ensure universal participation and its recommendations must be faithfully implemented. Moreover, the time constraints of the universal periodic review were too strict to enable the serious violations in some countries to be addressed. Thus, his country supported the special procedures mandate holders as the international community's guardians of human rights. The universal periodic review and the special procedures complemented each other, and the linkages between them and the treaty bodies must be strengthened. Those issues would be discussed in detail during the preparation for the review of the work of the Human Rights Council in 2010-2011, as provided for in General Assembly resolution 60/251. His Government would continue to support the expansion and independence of the activities of the Office of the United Nations High Commissioner for Human Rights (OHCHR) and valued its Rapid Response Unit, which could deploy rapidly when crises occurred.

3. The Republic of Korea attached great importance to political, civil, economic, social and cultural rights, as well as to the rights of vulnerable groups. Bound by the relevant conventions, which it applied at the national level in collaboration with non-governmental organizations, it stood ready to undergo its third periodic review in the Committee on Economic, Social and Cultural Rights, to be held in November 2011. It would continue to discharge its international obligations, particularly in the area of the advancement of women and gender equality, and was looking forward to the establishment of the composite entity to strengthen gender architecture within the United Nations system. Lastly, his delegation reaffirmed its strong commitment to cooperate with the international community in the field of human rights.

4. **Mr. Ahmed** (Bangladesh) said that his country's position on human rights was based on the principles of universality, non-selectivity, impartiality and objectivity. The Constitution of Bangladesh incorporated the principles and provisions of the Universal Declaration of Human Rights. Bangladesh was a party to most of the international human rights instruments and was constantly reviewing its domestic legislation to bring it into harmony with its international human rights obligations. In 2008, it had established the National Human Rights Commission to investigate violations. Financially independent, the Commission was authorized to prepare cases and to seek reports from the Government. It had promulgated the Right to Information Ordinance and established an Information Commission which would enforce the law and handle complaints from information-seekers.

Bangladesh was reviewing its Police Act to bring it into line with human rights principles and standards and attached great importance to human rights in training its police and peacekeepers.

5. Human rights were indivisible. The right to development should be pursued from a rights-based perspective, keeping the specific needs of the developing countries in mind. The Rapid Response Unit of OHCHR should be put to the best possible use. Despite the numerous challenges his country faced, it remained committed to the protection and promotion of human rights worldwide. It recognized the importance of the special procedures mandate holders in that effort. In December 2009, it would host a joint visit of the Independent Expert on the issue of human rights obligations related to access to safe drinking water and sanitation and the Independent Expert on the question of human rights and extreme poverty.

6. **Mr. Caramitsos-Tziras** (Greece) said that the military invasion and occupation by Turkey of the northern sector of Cyprus had resulted in massive human rights violations. Regrettably, despite Security Council and General Assembly resolutions on the issue, the question of human rights in Cyprus had not been adequately addressed. The third Vienna Agreement, signed in 1975, had been intended to establish humanitarian measures for the enclaved Cypriot people; unfortunately, some progress on religious rights aside, that instrument had been only partially respected by Turkey. Since the occupation, more than 500 Greek Orthodox monasteries and churches had been pillaged, burned or converted into secular institutions, and stolen art and ceremonial objects had been smuggled. Even worse, many people had disappeared. The rights of the missing people and of their family members who must live with that trauma must be respected. His delegation supported the Committee on Missing Persons in Cyprus, which received financial support from Greece, and deplored the fact that Turkey continued to avoid fulfilling its obligation to cooperate with investigations into the fate of missing persons and to report on measures taken to remedy the situation. Since September 2008, negotiations had been taking place between the Greek and Turkish leaders through the good offices of the Office of the Secretary-General of the United Nations. It was hoped that they would lead to a bicommunal solution in accordance with the relevant Security Council resolutions and principles of the European Union.

7. **Ms. Rasheed** (Observer for Palestine) said that the report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, contained in the note by the Secretary-General (A/64/328), accurately conveyed the situation in the Occupied Palestinian Territory, including East Jerusalem, where the rights of an entire people were being violated. It was therefore important to reaffirm the applicability of international humanitarian and human rights law to that situation. The Palestinian people's existence as an occupied and stateless people did not negate their entitlement to the same rights as all other peoples. Under Israel's 42-year occupation, those rights were systematically violated by the unlawful policies of the occupying Power; that had resulted in a humanitarian tragedy which had led, inter alia, to the breakdown of society, the destruction of families and communities, and the fragmentation of the Palestinian territory. Such practices, which embodied the denial of a people's right to self-determination, constituted war crimes. They arose from an illegal military occupation that was characterized by oppression, colonization and apartheid; the killing of civilians, including women and children; excessive use of force; extrajudicial executions; terrorism; arbitrary detention; the displacement and harassment of thousands of civilians; and the destruction of their homes and property.

8. The occupying Power sought to distort those facts and flouted United Nations resolutions and international law. If Israel was never held accountable for its actions, it would continue to act with impunity, as it had when, on 27 December 2008, it had launched its aggression in Gaza, in which some 1,400 civilians had been killed and over 5,500 injured. Israel continued to obstruct the reconstruction of homes and infrastructure in Gaza and perpetuated the conditions of misery in which the population lived. The report of the United Nations Fact-Finding Mission on the Gaza Conflict (the "Goldstone report") (A/HRC/12/48) concluded that the Israeli military campaign had been planned in all its phases as a deliberately disproportionate and systematic attack designed to punish, humiliate and terrorize the Palestinian civilian population, radically diminish its economic capacity to provide for itself, and force upon it an ever increasing sense of dependency and vulnerability. Israel must cease all its human rights violations and respect

international law, while those responsible for such violations must be brought to justice. The international community had clear responsibilities in that regard.

9. **Mr. Al-Mazrouei** (United Arab Emirates) said that his country's Constitution and laws guaranteed equality, social justice, and the rights and fundamental freedoms of all citizens, including freedom of expression, assembly and association; they also prohibited torture and arbitrary detention. The United Arab Emirates was party to 15 international human rights instruments and had ratified the Arab Charter on Human Rights, adopted in 2004. It was in the process of finalizing procedures to sign the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, and it was considering signing the two Optional Protocols to the Convention on the Rights of the Child.

10. His Government had enacted legislation and established national mechanisms to incorporate the provisions of international instruments into domestic law. One mechanism of particular relevance, bearing in mind that the United Arab Emirates hosted over 3 million migrant workers from numerous countries and diverse cultures, was the National Committee to Combat Human Trafficking. The Government had taken the necessary measures to protect temporary workers' rights in such areas as wage protection, health insurance, transfer of employment, labour disputes, legal rights, decent working conditions and accommodation, and access to relevant authorities. It had also adopted special measures for domestic workers, the majority of whom were women, to regulate working hours, annual leave, resolution of disputes and entitlement to health care, and had drafted a law governing the relationship between such workers and their employers. That law, one of the first of its kind in the region, would comply with international standards, including the Convention on the Elimination of All Forms of Discrimination against Women. The civil society organization UAE Human Rights Society had been established to raise awareness of human rights; it also specifically helped to improve the situation of detainees and persons with disabilities. Human rights protection departments had been set up within police stations, and a number of charitable institutions provided assistance to victims of domestic violence and trafficking. Lastly, the Government fostered respect for human rights principles through education and training.

11. His delegation welcomed the adoption by the Human Rights Council of the Goldstone report (A/HRC/12/48), which detailed the violations committed by the Israeli forces against the Palestinian people in Gaza. He urged the international community to implement the recommendations contained in that report and to bring to justice those guilty of committing war crimes, crimes against humanity and violations of international human rights instruments.

12. **Mr. Cujba** (Republic of Moldova) said that establishing the rule of law was a major aspiration of the Government of the Alliance for European Integration, which had been constituted following the parliamentary elections in July 2009. The new Government programme, based on the three main pillars of freedom, democracy and prosperity, provided for the implementation of political and legislative reforms. Since an independent justice system was a crucial element of democracy and the rule of law, the Government had launched a series of reforms aimed at restructuring the organization of the judicial system, eradicating corruption, and establishing a public prosecutor's office independent of political power and the military.

13. The Moldovan authorities had also taken measures to address such priorities as the development of a legal and institutional framework in the area of human rights; the eradication of torture; access to a fair trial; and freedom of expression. To that end, they had modernized the judicial system in accordance with European values, so as to ensure its transparency and efficiency, and, in the last analysis, to improve its image within society. The Government had cooperated with the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, who had visited the country in July 2008. The Special Rapporteur's recommendations were currently being considered by the competent authorities, as part of the country's cooperation with United Nations agencies and the European Union. In that connection, a National Action Plan for the Prevention of Torture was also being drafted. One key goal of the new Government was to shed light on the circumstances that had led to acts of violence in the aftermath of the elections on 7 April 2009. A commission of inquiry, comprising

representatives of civil society and international organizations, has been established for that purpose.

14. **Mr. Bhattarai** (Nepal) said that his delegation attached great importance to the role of the United Nations in developing standards and mechanisms for the promotion and protection of human rights, particularly the Vienna Declaration and Programme of Action. While Nepal supported the work of the Human Rights Council, OHCHR and the various treaty bodies and special procedures mandate holders, those bodies should work together and should exercise their mandates more objectively and impartially. The international community must establish specific objectives for the implementation of international human rights instruments. The effectiveness of the universal periodic review mechanism should also be strengthened. Lastly, the Committee should devote its attention to thematic issues in the area of human rights, refrain from repeatedly re-examining certain matters and avoid any overlap with the work of the Human Rights Council.

15. The human rights situation in Nepal had improved over the course of the peace process. The new constitution would contain stronger provisions for the protection of human rights. The Nepalese Government reiterated its commitment to human rights, particularly in the areas of judicial independence and elimination of discrimination. Determined to put an end to the environment of impunity that had prevailed during the country's internal conflict, the Government planned to establish a truth and reconciliation commission that would help to restore peace and social harmony. His delegation was grateful to OHCHR for its work in Nepal and for the support it provided to the National Human Rights Commission. Greater technical assistance from the international community would be needed to strengthen national capacity for the protection of human rights. The Government fulfilled the international obligations incumbent on it and regularly submitted all reports as required. Nepal cooperated fully with all relevant mandate holders and the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people had recently visited the country, at the Government's invitation.

16. **Mr. Limeres** (Argentina) said that the main international human rights instruments had had constitutional status in Argentina since 1994. His delegation, together with France, would again be introducing a draft resolution on the International Convention for the Protection of All Persons from Enforced Disappearance, which needed to be ratified by another four States before it could enter into force, and hoped that once again it would be adopted by consensus. Argentina welcomed the contribution of the International Criminal Court in combating impunity and supported measures to strengthen it and promote its universal acceptance. His delegation supported the plan of action of the United Nations High Commissioner for Human Rights and the measures aimed at reinforcing the New York presence of OHCHR. Furthermore, it stressed the vital importance of dialogue with civil society organizations for the protection of human rights.

17. His delegation condemned all acts that hindered the work of human rights defenders and urged Member States to make a greater effort to protect their lives, personal safety and freedom of expression and to promote, disseminate and implement the relevant international instruments, including the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms. In that regard, his delegation was concerned at the tendency to use a vague, overly broad definition of terrorism to persecute human rights groups. His Government was also opposed to all forms of discrimination, including those based on gender identity, sexual orientation or conduct, or belief. It considered that freedom of expression was a key element of any democratic society and that its restriction could be justified only by the protection of social interests or of the inalienable rights of the individual. Recalling that his country was a party to the Convention on the Rights of Persons with Disabilities and its Optional Protocol, and stressing the cross-cutting nature of the problem of disability, he said that a national advisory committee for the integration of persons with disabilities had been established in Argentina.

18. **Mr. Pérez** (Peru) said that his delegation attached great importance to migration issues. States should ensure the enjoyment and protection of the fundamental rights of migrants and should punish manifestations and acts of racism, racial discrimination and xenophobia targeting migrants in accordance with their commitments under the various international human rights instruments; the positive contributions

made by migrants should also be publicized. In that context, States should ensure implementation of the international instruments to which they were parties and of their domestic laws on working conditions and trade union freedoms. Furthermore, rather than making their migration policies more rigid, which tended to encourage clandestine migration, States should adopt legalization and integration policies and should find alternatives to the detention of clandestine migrants. Lastly, mechanisms to facilitate funds transfers, reduce their cost and improve their transparency and security should be developed and established on the understanding that such private transfers in no way constituted official development assistance (ODA).

19. His delegation considered that international coordination and cooperation should be strengthened and that all stakeholders should be involved in accordance with the principle of shared responsibility, as set forth in the Lima Declaration adopted in May 2008 at the Fifth Latin America and Caribbean-European Union Summit. At the regional level, Peru participated in the process aimed at the creation of shared areas designed to facilitate the movement of persons and the construction of a South American citizenship, in accordance with the Quito Declaration adopted in 2009 by the Union of South American Nations. At the national level, Peru had taken several measures to benefit migrants, including with regard to the prevention and punishment of trafficking in persons. The intersectoral Working Group on migration was coordinating the efforts of the national institutions responsible for the country's migration policy and for the well-being of migrants.

20. **Mr. Alam** (Bahrain) said that an important aspect of trafficking in persons was trafficking in migrants who had been driven by the world economic crisis to seek better wages outside their countries of origin. Civil society and the private sector could play an important role in combating such traffic, including through public-private partnerships. A conference on trafficking in persons had been held in Manama from 1 to 3 March 2009 and attended by representatives of Governments, United Nations bodies, non-governmental organizations (NGOs), the private sector and civil society. The discussion had focused largely on partnerships between public and private entities and the resulting Declaration had, inter alia, urged the General Assembly to adopt a global plan of action against human trafficking.

21. For its part, Bahrain had taken legislative measures for that purpose, including Act No. 1 (2008), which was based on relevant international instruments such as the two additional protocols to the United Nations Convention against Transnational Organized Crime: its Protocol against the Smuggling of Migrants by Land, Sea and Air and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. A national Committee on Combating Trafficking in Persons had been established in order to combat traffickers and protect the victims, including women, whatever their nationality of origin. His Government was endeavouring to meet the country's need for workers, taking into account the interests of both businesses and foreign workers; the latter had access to information on their rights, available in several languages, and a hotline for reporting violations. They could also file a complaint if they considered that they were victims of trafficking. Lastly, the so-called "sponsorship" (kafala) system had been abolished. His Government attached great importance to the promotion and protection of human rights. It was a party to several relevant regional and international instruments and, in particular, to the Slavery Convention and the Protocol amending it; the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery; and the United Nations Convention against Transnational Organized Crime.

22. **Mr. Kohona** (Sri Lanka) said that his country was making every effort to achieve the Millennium Development Goals (MDGs) and to defend human rights, despite the global financial turmoil and the challenges posed by terrorist forces. Concerted, uniform international efforts were needed in order to bridge the gap between human rights standards and their application. His Government was working actively with the United Nations High Commissioner for Human Rights and with the United Nations system to strengthen Sri Lanka's capacities and human rights mechanisms. In particular, the Representative of the Secretary-General on the human rights of internally displaced persons, the Under-Secretary-General for Humanitarian Affairs and the Under-Secretary-General for Political Affairs had visited Sri Lanka during the past year, and the Special Representative of the Secretary-General for Children and Armed Conflict was scheduled to visit the country. In May 2009, Sri Lanka had submitted its report to the Human Rights Council under the universal periodic review procedure

as a reflection of its desire for fully transparent communication with the competent international bodies. His delegation hoped that the delay in the treaty bodies' consideration of country reports would be addressed and that States' obligations with respect to the preparation of reports would be simplified.

23. Sri Lanka was a party to the main international human rights instruments, including the Geneva Conventions of 1949, and had a comprehensive human rights protection framework that included both a National Human Rights Commission and a Ministry of Human Rights. Sri Lanka had provided its armed forces and police force with human rights training with assistance from the International Committee of the Red Cross. The framework was supported by a fair and independent judiciary, and the human rights situation was constantly being improved in accordance with a national action plan for the promotion and protection of human rights. With the end of 27 years of violence perpetrated by the Liberation Tigers of Tamil Eelam (LTTE), the Government of Sri Lanka was finally able to focus on the problems of displaced persons and the reintegration of ex-combatants, with assistance from OHCHR, the World Food Programme, other United Nations agencies, and civil society organizations. The progress being made in that area refuted the unfortunate allegations made in the statement made by the representative of Sweden on behalf of the European Union, which reflected the influence of LTTE propaganda.

24. **Mr. Vigny** (Switzerland) said that there was a discrepancy between the adoption by the international community of the outcome document of the Durban Review Conference, which stressed the role that freedom of expression could play in the fight against racism, and the daily violation of that freedom in many countries by various means and to varying degrees. Cultural relativism was increasingly invoked to justify infringements of basic liberties. Family values, morality, security or the interest of the State were used to limit the rights of women and girls, homosexuals, ethnic minorities and human rights defenders. Having accepted the Charter of the United Nations, Member States were under an obligation to respect the basic liberties provided for therein. Judicial authority also needed to be exercised fairly and effectively. The courts alone could impose penalties and the State alone could enforce them. Any other justice system constituted a violation of basic human rights. That was particularly the case when summary, extrajudicial or arbitrary executions were introduced in situations already critical in terms of respect for fundamental rights. Regrettably, such penalties were sometimes used in order to deter freedom of expression. He invited all Member States to attend the fourth World Congress against the Death Penalty to be held in Geneva in February 2010.

25. **Mr. Pak** Tok Hun (Democratic People's Republic of Korea) said that in his country human rights were guaranteed in practice and by law. The Democratic People's Republic of Korea also faithfully discharged its international obligations, as evidenced by its participation in the fiftieth session of the Committee on the Rights of the Child and its submission of its national report in the context of the universal periodic review. Respect for human rights and respect for national sovereignty were intimately linked. Human rights were violated in countries whose national sovereignty had itself been violated, such as Afghanistan, Iraq and the occupied Palestinian territories, where the United States was conducting its "war on terror". Also, obstacles to dialogue and cooperation needed to be removed. In international forums, forms of behaviour characteristic of the Cold War were still to be found. It was time to stop pointing the finger at developing countries by targeting them with country-specific resolutions. To do so was a vestige of politicization, selectivity and discrimination at a time when the universal periodic review mechanism and the Human Rights Council were based on equality, impartiality and universality. Lastly, countries guilty of human rights violations in the past should offer apologies and compensation to the victims. Yet Japan continued to deny the violations it had committed during its military occupation of Korea and had even gone so far as to rewrite history.

26. **Mr. Shahnawaz Hussain** (India) said that his country had a history of cultural diversity and was a firm defender of the rule of law, democracy and human rights. India's Constitution guaranteed equality and fundamental freedoms, including freedom of expression, association and religion, and lawmakers were guided by the Constitution's Directive Principles of State Policy, which included, inter alia, eliminating inequality and ensuring gender parity. Human rights violations were investigated and registered by the National Commission for Women, the National Human Rights Commission, and similar commissions

established at the state level. In addition to being guaranteed by the Constitution, human rights were also safeguarded by India's independent judiciary, free media and vibrant civil society. A Right to Information Act had been enacted to ensure transparency in government, and a system had been devised to provide legal remedies for vulnerable groups such as prisoners and children. The international community must continue to fight human rights violations, but it must do so through cooperation and dialogue and without discrimination.

27. **Ms. Mballa Eyenga** (Cameroon) said that on the occasions of the thirtieth anniversary of the Convention on the Elimination of All Forms of Discrimination against Women and the twentieth anniversary of the Convention on the Rights of the Child, the record of the international community on human rights was uneven. While it could congratulate itself on the adoption of new instruments and adherence to them by Member States, it also needed to acknowledge that it was still far from realizing the goal of a world in which every man, woman and child could live a life of dignity free from hunger, violence and discrimination and enjoy the blessings of housing, health, education and equal opportunity. The current crisis and climate change made it imperative to address economic, social and cultural rights, including the right to development, without which neither civil nor political rights could flourish.

28. The exercise of human rights was a pillar of a genuine culture of peace, and Cameroon was working to have human rights taught in all primary and secondary schools. It welcomed the presence in Yaoundé of the Subregional Centre for Human Rights and Democracy in Central Africa, whose profile and operations had been improved thanks to additional funds and human resources provided in response to the request contained in General Assembly resolution 63/177. The commitment to human rights of the subregion's States had been demonstrated by their adoption in May 2009 of a Code of Conduct for the Defence and Security Forces in Central Africa and the appointment by the Central African Economic and Monetary Community of a commissioner for human rights, good governance and human and social development.

29. **Mr. Ould Ghadi** (Mauritania) said that the Mauritanian Constitution guaranteed equality and liberty to all citizens without discrimination, as well as freedom of the press and freedom of association, and that all institutions exercised their rights without restriction in an era of liberty unprecedented in his country's history. Mauritania was a party to the main international human rights instruments, including the Convention on the Elimination of All Forms of Racial Discrimination; the International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Rights of the Child; the Convention on the Elimination of All Forms of Discrimination against Women and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. It had also signed the African Charter on Human and Peoples' Rights. Its Parliament had unanimously adopted a law criminalizing and severely penalizing the practice of slavery, and it had established a Commission on Human Rights, Poverty Alleviation and Integration.

30. Mauritania had taken a decisive turn in its political history by choosing democracy, as demonstrated by its recent presidential election. Its Government was implementing ambitious programmes to combat poverty and ignorance, ensure universal access to health care and education and guarantee public freedoms. Sustained attention had also been paid to the situation of the Mauritanian refugees who had fled to Senegal and Mali in the aftermath of the painful events of 1989, through the establishment of a national agency to facilitate their voluntary return and reintegration. Those who were former Government officials had been restored to their posts.

31. **Mr. Starčević** (Serbia) said that during the previous 10 years his country had made considerable progress in instituting respect for the highest human rights standards. It was working to harmonize its domestic legislation with the core United Nations human rights instruments. In March 2009, it had adopted a comprehensive anti-discrimination law. It had submitted its first report under the universal periodic review mechanism of the United Nations Human Rights Council in December 2008, and had stepped up its reporting to treaty bodies and its cooperation with human rights special procedures.

32. His delegation regretted that once again it had to draw the Committee's attention to the dire human rights situation in the Serbian province of Kosovo-

Metohija, especially for non-Albanian minorities, whose basic civil and political rights, and in particular their economic, social and cultural rights, continued to be violated. Since the February 2008 unilateral declaration of independence by the provisional institutions of self-government there had been a legal vacuum; the rule of law had collapsed and impunity prevailed, especially for ethnically motivated crimes. Despite formal declarations of respect for human rights by the authorities in Pristina, a climate of fear and insecurity continued to prevent the return of more than 200,000 non-Albanian displaced persons. Citing for the sake of objectivity, external sources, including the United Nations Human Rights Council, the Representative of the Secretary-General on the human rights of internally displaced persons, and even an organization as favourably disposed towards Kosovar independence as the International Institute for Middle East and Balkan Studies, he emphasized the severe restrictions on the freedom of movement of minorities, their lack of access to basic services, and their continued difficulties asserting their property rights despite efforts by the United Nations Interim Administration Mission in Kosovo (UNMIK) to assist property owners in the recovery of their property. The Serbian cultural heritage in the province was also under threat, not only because of the destruction by Albanian extremists of more than 150 churches and monasteries, but also through the publication in Pristina of revisionist textbooks that fraudulently appropriated the medieval Serbian heritage for the Albanian community. He called on the international community to condemn that type of cultural cleansing and react to it.

33. As it was not in a position to report directly on the application in Kosovo of the instruments to which it was a party, Serbia had requested the treaty bodies concerned to obtain the relevant information from MINUK, and that had been done. As Serbia saw it, that illustrated the principle whereby United Nations missions with complex mandates, such as MINUK, had not only declarative obligations, but also specific responsibilities for implementation, in respect of compliance with human rights treaties. In his most recent report on MINUK (S/2009/497), the Secretary-General had commended Serbia's "pragmatic approach". Disagreements on the status of Kosovo must not prevent all relevant stakeholders from acting together to improve the human rights situation of all residents of the province.

34. **Mr. Badji** (Senegal) said that no development process could thrive without the free exercise of fundamental rights and the guarantee of equal opportunities for all citizens. Extremist trends were exacerbated by discrimination on the basis of religion, racial and ethnic affiliation or political opinion or conviction. Unless all forms of such discrimination could be eradicated, it would be impossible to resolve conflicts and defeat underdevelopment. The economic, financial and food crises were felt most keenly by the vulnerable, both directly and indirectly, when a backlash in the form of identity politics led to the persecution of minorities. The international community must therefore focus on respecting and safeguarding freedom of expression and worship, and must uphold the right of minorities, women, children and migrants to health and education.

35. Senegal had signed the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights in September 2009. Over 42 per cent of the country's budget was allocated to education, and over 10 per cent to health. Proactive policies were in place for the benefit of women and young persons.

36. The international campaign to promote human rights must comprise education, cooperation and preventive action. The international community should unambiguously condemn all human rights violations, and combat impunity with determination. At the same time, it should favour dialogue and consultation rather than confrontation. No one culture or community should be held up as a model. That approach would divide the world into blocks whose relations could only be based on conflict. His delegation wished to congratulate the special rapporteurs on their excellent work, and called on them to follow closely the letter and spirit of their mandates.

37. **Ms. Picco** (Monaco) said that her delegation wished to assert its determination to uphold the right to food and food security, and would sponsor a draft resolution on the topic. In 2000, a commitment had been made to halve the number of people suffering from malnutrition by 2015. It was deplorable that the reverse had occurred: over the previous two years, that number had grown by 200 million to reach the record figure of 1 billion people. She therefore called for intensified efforts to promote agriculture using traditional seed, with a view to boosting sustainable productivity while respecting local realities. Small-scale producers, most of whom were rural women,

were particularly affected by climate change, fluctuating exchange rates and difficulties in gaining access to water and markets. Monaco therefore hoped that the forthcoming World Summit on Food Security, to be held in Rome from 16 to 18 November 2009, would follow up on the outcome of the Group of Eight summit held at L'Aquila by helping to ensure that local populations were trained and empowered. At the multilateral and bilateral levels, her Government was implementing programmes to combat malnutrition. Over 150,000 children benefited from those programmes, most notably in Africa. Monaco also managed projects to reduce the vulnerability of women of childbearing age, thereby lowering neonatal and child mortality.

38. **Mr. Mamdouhi** (Islamic Republic of Iran) said that his delegation deplored the rising discrimination and acts of aggression aimed at certain ethnic and religious groups, and in particular Muslims, in the European Union. His delegation was concerned that certain European politicians were stoking the public opinion's fears of those groups, and that the police used excessive force, a fact to which several treaty bodies had drawn attention in their final recommendations. The Committee on the Elimination of Discrimination against Women had noted with concern the number of aboriginal women and women of colour who were incarcerated in Canada, and had expressed concern at the treatment of adolescent girls in detention. Indigenous women continued to suffer discrimination in Canada, and lived in distressing conditions. In combating terrorism, Canada did not comply with its human rights obligations. Where the United States of America was concerned the Committee on the Elimination of Racial Discrimination had expressed deep concern at the discrimination suffered by Latinos and African-Americans. The so-called war on terror had created a climate of impunity for law enforcement officers and had contributed to the erosion of accountability mechanisms. The United States unconditionally supported the Zionist regime in its inhumane treatment of the Palestinian people in disregard of human rights. It was deplorable that the United States had rejected the Goldstone report submitted to the Human Rights Council at its twelfth special session.

39. **Ms. Nyamudeza** (Zimbabwe) said that her Government was committed to the promotion and indivisibility of human rights. She regretted that the right of all persons to live in a socio-economic order in which their freedoms were protected was far from having been achieved. Numerous developing States suffered the injustice of international trade, and the financial and economic crisis had further compounded the erosion of human rights in countries affected by poverty, food insecurity and HIV/AIDS. Humanity could be saved only by an international order founded on socio-economic justice. Zimbabwe urged developed States to honour their financial commitments in order for the people of the South to realize their right to food, education and development, which were an indispensable precondition for the exercise of civil and political rights. Her country rejected the imperialist manipulation and intimidation practised by certain States, purportedly to defend the rule of law, democracy and good governance. The European Union and New Zealand had adopted a selective approach to human rights. However, the politicization of human rights would not contribute to their full enjoyment by all peoples. Zimbabwe believed that problems could be resolved through dialogue. The States that accused her country of human rights violations were motivated only by the desire to change the regime, and had provided no evidence in support of their allegations. Because Zimbabwe had an independent judicial system, her Government could not intervene in the Bennett case. In any event, Mr. Bennett had been released on bail. Contrary to certain allegations, the opposition enjoyed the rights of assembly and freedom of expression. The Southern African Development Community and the African Union were satisfied with the progress made in implementing the Global Political Agreement. Her country's true problem was the refusal of the West to lift sanctions, which violated the rights of the Zimbabwean people. The European Union had committed numerous human rights violations against migrants, as had Canada, Australia and New Zealand against indigenous peoples. Those countries should address their own human rights violations instead of criticizing other States. Countries should respect one another as equals, and neo-colonialism must be rejected.

40. **Mr. Dall'Oglio** (International Organization for Migration) emphasized that migration had contributed to the development of modern societies. The financial and economic crisis had increased the vulnerability of migrants, and had strengthened the link between illegal migration and migrant trafficking. Preventing irregular migration while protecting the rights of irregular

migrants was a complex task in today's interdependent world. In her statement to the Committee, the High Commissioner for Human Rights had reiterated her call for an end to imprisonment of irregular migrants. The Secretary-General's report (A/64/188) highlighted concern about existing laws that deprived migrants and their families of basic human rights. Reconciling the undisputed rights of destination countries and the universality of human rights, which were not dependent on residence status, was not an easy task. The detention of irregular migrants was a sensitive issue which was not, in itself, illegal. However, carried out in the name of national security, the practice often violated international law. States must adopt sound migration laws and provide training for police and customs officers in order to make the system more humane, while maintaining security. Migration management should be seen in a broader perspective in order to benefit both migrants and host societies. Migrants shared with the nationals of their host community the right to decent and humane treatment, but also the duty to respect the laws of the host country. It was important to develop policies, procedures and legislation that adequately reflected human rights norms, and to ensure that they were applied sensibly. To promote further discussion, all delegations were invited to attend the conference to be held by the International Organization for Migration and the Center for Migration Studies, in New York in January 2010, for the diplomatic community, academics and representatives of civil society. The conference would address migration issues and would review the political and legal aspects of irregular migration and how irregular migration was being affected by the economic crisis.

41. **Mr. Onemola** (Nigeria) underlined the importance of promoting human rights, which were a prerequisite for sustainable development. Nigeria called on United Nations agencies not to overemphasize civil and political rights, given that, in developing countries, economic, social and cultural rights, such as the right to education, health and housing were just as important. The rule of law had become the abiding principle of governance in Nigeria, although, in view of its demographic and historical circumstances much remained to be done. In 2009, Nigeria had become a party to several international instruments on human rights and had adopted a national plan of action for their promotion and protection. Progress had been achieved in countering human trafficking through the National Agency for the Prohibition of Traffic in Persons and Other Related Matters. Nigeria welcomed the recommendations in section IV of the report of the Special Rapporteur. With regard to the Special Rapporteur's comments on the issue of vigilante justice, that lynchings were a reaction to atrocities perpetrated by hoodlums when they broke into homes. The Nigerian authorities were doing their utmost to combat that phenomenon, and urging citizens not to take justice into their own hands. Police intervention was increasingly effective. Nigeria would continue to support the Special Rapporteur in the fulfilment of his mandate and would strive to promote human rights at the national and regional levels.

42. **Mr. Toder** (Ukraine) stressed the need to promote human rights at national and international levels. The Human Rights Council's universal periodic review was of great importance, and every effort must be made to ensure that it complemented the treaty body system. The promotion of human rights also entailed poverty reduction and access to health care and education. Ukraine had signed the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights in 2009. Ukraine was opposed to the death penalty, and welcomed the global trend towards its abolition, while remaining concerned about the number of executions still carried out.

43. The system of special procedures had proven its effectiveness, and constituted a unique link between Governments, national institutions and civil society which must cover both country and thematic issues in a comprehensive manner. Although unnecessary overlap must of course be reduced to a minimum, it was more important to fill gaps in the system. A global alliance for human rights involving all stakeholders needed to be established in order to ensure integrated follow-up to the Vienna Conference. Ukraine called upon all States to ratify the main international human rights instruments and withdraw their reservations to certain treaty provisions. Ukraine was making significant efforts to combat the consequences of totalitarianism and prevent its future recurrence, and reaffirmed its commitment to engage with all Member States to protect and promote human rights worldwide.

44. **Mr. Ouedraogo** (Burkina Faso) said that the sixtieth anniversary of the Universal Declaration of Human Rights had been an opportunity for his country to review and renew its commitment to human rights. Burkina Faso's appearance before the Human Rights

Council in the context of the universal periodic review process, and the relevant recommendations made on that occasion, had revitalized national activities, leading to the adoption of new instruments by the National Assembly. Burkina Faso therefore commended the Human Rights Council and believed that human rights monitoring mechanisms were a key tool for the promotion and protection of those rights. Burkina Faso had devoted its national citizenship week in 2009 to considering the role of monitoring mechanisms.

45. In Burkina Faso's experience, it was important to involve civil society organizations and communities in evaluating and implementing the recommendations of treaty bodies and the conclusions of the universal periodic review. It was also important to establish a specific institutional framework to follow up on recommendations. Burkina Faso had done so by establishing the Interministerial Committee on Human Rights and Humanitarian Law. States must possess proven expertise to ensure follow-up to international agreements, and Burkina Faso called for technical cooperation to strengthen national expertise in that regard.

The meeting rose at 1 pm.